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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/870,622
Filing Date: May 31, 2001
Appellant(s): BROUSSARD, SCOTT J.

Kevin L. Daffer (reg. 34,146)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11-01-04.

TL

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims of Group I (claims 1-6, 9-14, and 17), Group II (claims 7 and 8), and Group III (claims 15 and 16) do not stand or fall together. The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because Groups II and III are substantially identical and are believed by the examiner to stand and fall together.

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The Swing Connection, 2/98, Sun Microsystems, volume 3, no.4, swing version 1.0

- Introducing Swing, pages 1-7, hereinafter IS-SUN
- Mixing Heavy and Light Components, pages 1-13, hereinafter M-SUN

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Introducing Swing*, written by SUN, hereinafter IS-SUN, and *Mixing heavy and light components* written by Amy Fowler, hereinafter M-SUN. This rejection is set forth in a prior Office Action, mailed on 5-27-04.

(11) *Response to Argument*

GROUP I:

With respect to the group of claims including Claims 1-6, 9-14, and 17, the Appellant's arguments are focused on the limitations regarding the existence of peer and proxy components in the references. More specifically, as stated from representative Claim 1, the limitation argued is:

a proxy component, which associates the object with the graphics

resource component and invokes methods of the graphic resource component to display the object; and

a peer component, adapted to receive events pertaining to the object and route the events to the proxy component.

Since the interpretation of the limitation is the basis for the arguments, the Examiner's interpretation is now given. The Examiner asserts the limitation is broad, even as the claim defines a proxy component it only limits to an element that generates an association between a graphic resource component (display data) and an object (data to be displayed), further the peer component seems to be an element that, responsive to an object, provides information to the proxy. As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the references IS-SUN and M-SUN, are within the scope of these limitations.

IS-SUN teaches a system for the graphical display of an object created by an application program running under an operating system (see page 1, paragraph 1), and a graphics resource component adapted to display the object independently of the operating system (see page 1, paragraph 5).

M-SUN teaches a method of implementing swing components similar to that of IS-SUN, but further teaches a proxy component that associates an object with a graphics resource component, and further displays the object, in that the

proxy component is the swing class (see page 2, paragraph 2), and a peer component, adapted to receive events pertaining to the object and route the events to the proxy component, in that the peer component is the ancestor (see page 2, paragraph 2).

The examiner will now address the individual arguments and statements made by the Appellant.

From page 8 of the Appeal Brief, from the 4 paragraph, the Appellant argues IS-SUN "does not provide teaching or suggestion for a system, computer-readable storage devices, or method for graphical display of an object, where the system comprises a peer component which is adapted to receive events pertaining to the object and route the events to a proxy component which associates the object with a graphic resource component and invokes methods thereof to display the object in a manner independent from an operating system, as taught in present claims 1, 9, and 17".

The examiner contends that IS-SUN does show a system for the graphical display of an object created by an application program running under an operating system (see page 1, paragraph 1), and a graphics resource component adapted to display the object independently of the operating system (see page 1, paragraph 5). IS-SUN, is not relied upon for the teaching of a proxy component which associates the object with the graphics resource component and invokes

methods of the graphics resource component to display the object, or a peer component, adapted to receive events pertaining to the object and route the events to the proxy. M-SUN teaches a method of implementing swing components similar to that of IS-SUN, but further teaches a proxy component that associates an object with a graphics resource component, and further displays the object, in that the proxy component is the swing class (see page 2, paragraph 2), and a peer component, adapted to receive events pertaining to the object and route the events to the proxy component, in that the peer component is the ancestor (see page 2, paragraph 2).

From page 9 of the Appeal Brief, from the third paragraph, the Appellant argues "M-SUN also fails to provide teaching or suggestion for the presently claimed peer and proxy components".

The examiner contends that M-SUN does show a component that associates an object with a graphics resource component, and further displays the object, in that the proxy component is the swing class (see page 2, paragraph 2), and a peer component, adapted to receive events pertaining to the object and route the events to the proxy component, in that the peer component is the ancestor (see page 2, paragraph 2).

From page 10 of the Appeal Brief, from the 2 paragraph, the Appellant argues "Since M-SUN fails to provide any solution of his own, M-SUN cannot be relied upon to disclose the presently claimed solution."

The examiner contends that though M-SUN appears to state a problem similar to that of the applicants background the claims as currently states do not limit any further than a component that generates an association between a graphic resource component (display data) and an object (data to be displayed), and further a component that seems to be an element that responsive to an object provides information to the proxy.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., solution to the overlap problem) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

From page 11 of the Appeal Brief, from the second paragraph, the Appellant argues "'Swing class' cannot be considered to be a 'proxy component' as suggested by the Examiner, since 'Swing class' merely defines the properties and methods of a collection of Swing objects, where as a 'proxy component' actually function to associate an object with a graphics resource component and

invoke the methods of the graphics resource component for displaying the object".

The examiner contends that M-SUN does show the swing component, which uses lightweight components (components that need no native resources of their own), borrowing screen resources from an ancestor (what the applicant refers to as a peer component, which is a similar component that uses the same display routines) (see M-SUN page 2, paragraphs 2-4). The Swing component acts as a proxy component by defining an association between the object and the peer component with graphical resource data. A proxy can mean the process of an element that acts as a substitute for another element, which is effectively what Swing does, uses other elements to provide display data for a current object. Page 29 of the specification further defines a proxy component as an object that enables event routing.

From page 11 of the Appeal Brief, from the 3 paragraph, the Appellant argues "though a 'peer component' may be an 'ancestor' of some other object, merely stating so provides no evidence of the peer component being adapted to receive events pertaining to the object and to route the events to a proxy component".

The examiner contends that M-SUN does show the ancestor (peer component) receiving event data and routing the screen resource display data to the Swing class for further display (see M-SUN page 2, paragraphs 2-4). This is needed because the lightweight components of Swing do not have any native resources of their own.

From page 12 of the Appeal Brief, from the third paragraph, the Appellant argues "that it is improper to oversimplify and loosely interpret the presently claimed proxy component as a 'connecting element' since such interpretation is significantly more broad than allowed by the language used in claims 1, 9, and 17."

The examiner contents that the claim limits a proxy component to a component that associates an object with a resource and further invokes the resource component to display the object.

From page 13 of the Appeal Brief, from the first paragraph, the Appellant argues "There is no motivation to modify or combine the teachings of IS-SUN and M-SUN to provide the presently claimed peer and proxy components".

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the M-SUN teaches the actual mixing of Swing and AWT, as taught by the applicant, IS-SUN, which is referenced to in the M-SUN article itself, is further relied upon for its further definition

of the Swing class. The combination of these two references provides all the claimed subject matter of the application, as shown above.

From page 14 of the Appeal Brief, from the first paragraph, the Appellant argues "The Examiner has failed to adequately support and/or establish prima facie grounds of obviousness".

In response to applicant's argument that there is no suggestion or motivation to combine the references, and non teach the limitations of the claims, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

GROUP II (and GROUP III):

With respect to the group of claims including Claims 7 and 8, the Appellant's arguments are focused on the limitations regarding the object being part of a layout and the graphics resource component allowing the graphics resource component to draw over an existing image of the object drawn with the aid of the windowing system of the operating system. More specifically, as stated from representative Claims 7 and 8, the limitation argued is:

wherein the object is part of a layout, and the association of the object with the graphics resource component establishes a parent-child relationship between the layout and the graphics resource component.

wherein the parent-child relationship between the layout containing the object and the graphics resource component allows the graphics resource component to draw over an existing image of the object drawn with the aid of the windowing system of the operating system.

Since the interpretation of the limitation is the basis for the arguments, the Examiner's interpretation is now given. The Examiner asserts the limitation is limited to an object that has the ability to draw over another object, such as a lightweight object over another lightweight object. As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the references IS-SUN and M-SUN, are within the scope of these limitations.

The examiner will now address the individual arguments and statements made by the Appellant.

From pages 15 and 16 of the Appeal Brief, from the fourth paragraph, the Appellant argues "Because M-SUN clearly states that lightweight Swing objects 'will never appear on top' of heavyweight AWT objects, M-SUN cannot be relied upon to provide teaching or suggestion for the additional limitations set forth in dependent claims 7, 8, 15, and 16".

The examiner contends that the claim does not limit that a lightweight Swing objects will be able to appear on top of heavyweight AWT objects, only one object upon another. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., lightweight Swing objects will be able to appear on top of heavyweight AWT objects) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

From page 16 of the Appeal Brief, from the second paragraph, the Appellant argues "There is no motivation to modify or combine the cited art to teach or suggest the presently claimed parent-child relationship".

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the M-SUN teaches the actual mixing of Swing and AWT, as taught by the applicant, IS-SUN, which is referenced to in the M-SUN article itself, is further relied upon for its further definition of the Swing class. The combination of these two references provides all the claimed subject matter of the application, as shown above.

From page 16 of the Appeal Brief, from the sixth paragraph, the Appellant argues "The Examiner has failed to adequately support and/or establish prima facie grounds of obviousness".

In response to applicant's argument that there is no suggestion or motivation to combine the references, and none teach the limitations of the claims, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Dennis G. Bonshock
March 31, 2005



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

Raymond J. Bayerl
Primary Patent Examiner
March 31, 2005



John W. Cabeca
Supervisory Patent Examiner
March 31, 2005



Joseph H. Feild
Supervisory Patent Examiner
March 31, 2000

CONLEY ROSE, P.C.
P.O. BOX 684908
AUSTIN, TX 78768